IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LUDMYLA SKORYCHENKO,

                Plaintiff,   ORDER

    v.

                                               09-cv-545-bbc

DIANE SENNHOLZ,

                Defendant.

Plaintiff Ludmyla Skorychenko is proceeding *pro se* on her claim that defendant Diane Sennholz violated her constitutional right of access to the courts. On September 21, 2009, defendant moved for summary judgment. Now before the court is plaintiff's motion to compel defendant to respond to her discovery requests and for an extension of time to file her response to defendant's motion for summary judgment. On October 20, 2009, plaintiff filed her cross motion for summary judgment without obtaining responses to her discovery requests.

As defendant points out in her brief in opposition to plaintiff's motion to compel discovery responses, plaintiff did not serve the Interrogatories and Requests for Production of documents on her until September 30, 2009. Pursuant to Fed. R. Civ. P. 33 and 34, defendant has until October 30, 2009 to file her discovery responses. Therefore, plaintiff's motion to compel defendant to respond to her discovery requests will be denied.

In addition, plaintiff requested an extension of time to file her brief in opposition to defendant's motion for summary judgment until she received the responses to her discovery requests. This request will be denied as moot because plaintiff has now filed a cross motion for summary judgment, together with her brief in opposition to defendant's motion for summary

judgment. If plaintiff needed the responses to her discovery requests to oppose defendant's

summary judgment, it was her responsibility to file the requests earlier in order for her t receive

the responses in time file her opposition brief.

ORDER

IT IS ORDERED that plaintiff's motion to compel responses to her discovery requests

and for an extension of time to respond to defendant's motion for summary judgment, dkt. #20,

is DENIED.

Entered this 23rd day of October, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge